

REMARKS

1. Prior Art

The sole rejection in this case is for anticipation of claims 1 and 3 by Van Der Lely, USP 5,771,837 (Hereafter, "D1"). The remaining claims were withdrawn from consideration.

D1 is directed to the automatic milking of animals, and refers to the feeding of the animals at col. 1, lines 18-19, col. 15, lines 55-58, and col. 6, lines 35-39. The invention according to present claims 1 (and 3) differs from D1 at least in that the means for controlled and individually regularly feeding of the animals are arranged to work on basis of the recorded data of each animal as clearly required in claim 1, part (b). This is a very important feature of the present invention distinctly differentiating it from the technique described in D1. Therefore, the novelty of the invention according to claim 1 (and 3) must be acknowledged.

Further, D1 does not describe a breeding system like that of the present invention. The contemplated breeding system deals with youngsters who shall be reared to a given age or size typically in order to be slaughtered (for references to slaughter by applicant, see, e.g., P1, L9; P2, L8-11 and 17-31; P13, L30-2) and used as consumer goods or in order to fulfill a particular assignment as an adult secondary producing animal.

D1 describes a managing system for freely walking animals which has to be milked. The managing system described in D1 deals with the animals after the rearing period when they produce the secondary product (milk). These two techniques belong to two very different areas in the technical field of agriculture (primary domestic animal production and secondary product production) which experience very different problems. Therefore, the person skilled in the art of primary domestic animal production can not be expected to be familiar and utilize the information been given in D1.

2. Restriction

Since the arguments in section 1 overcome the rejection for anticipation, dependent claims 2, 4-17, 19-65, 67, 68, and 70-75 should be rejoined for the reasons set forth in the May 19, 2006 Election with Traverse.

We further wish to point out that under MPEP 806.04(f), restriction among species is proper only if the species are mutually exclusive. However, there is nothing in the claims or disclosure to indicate that the automatic identification means of claim 3 (elected species 3) cannot be used in conjunction with any or all of the embodiments set forth in the remaining breeding system claims. Claim 3, in other words, is really a subgeneric claim, not a species claim. Many other claims are also subgeneric, including e.g., claims 21, 22, 26 and 28. The species restriction should be reformulated so species are mutually exclusive.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By: 

Iver P. Cooper
Reg. No. 28,005

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms

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